

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

**JAMES CRANGLE, and**  
**TARA ROSE ALLEN ROONEY-CRANGLE,**

Petitioners,

v.

**CIVIL ACTION NO.: 3:16-CV-122**  
**(GROH)**

**EASTERN REGIONAL JAIL,**

Respondent.

**ORDER DECLINING TO ADOPT REPORT AND RECOMMENDATION<sup>1</sup>**

Upon consideration, the Court disagrees with the magistrate judge's interpretation of the Petitioner's claims as arising under 28 U.S.C. § 2241 and **DECLINES TO ADOPT** the Report and Recommendation [ECF No. 11] in this case.

The Court finds that the Petitioner's complaint alleges constitutional violations pursuant to 42 U.S.C. § 1983.<sup>2</sup> Accordingly, the Court **DIRECTS** the Clerk to send, by certified mail, return receipt requested, a copy of this Order and a notice of deficient pleading, along with the applicable court forms, to the **Warden of the facility where the Petitioner is presently incarcerated.** The Warden is **DIRECTED** to ensure that the Petitioner receives this Order, the notice of deficient pleading and the attached forms.

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<sup>1</sup> All references to "the Petitioner" refer to James Crangle, individually. James Crangle filed the instant petition on behalf of himself and his wife, Tara Rose Allen Rooney-Crangle.

<sup>2</sup> The Petitioner alleges death threats, extortion, "bloody inquisitions [and] interrogations," hate crimes, torture, rape and malicious assault. ECF No. 10.

The Petitioner is **ORDERED** to fill out and return the court-approved forms to the Clerk of Court within 14 days of entry of this Order. If the Petitioner fails to fill out and return the court-approved forms, his claims will be **DISMISSED** and this matter **STRICKEN** from the Court's active docket.

The Clerk is **DIRECTED** to hold the instant petition in abeyance until the Petitioner refiles his claims on the provided court-approved forms. Upon receipt of the court-approved forms, if any are filed, the Clerk is **DIRECTED** to open a new case under 42 U.S.C. § 1983. Upon receipt of the completed court-approved forms, the instant matter will be dismissed and closed by order of the Court.

The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record herein.

**DATED:** November 21, 2016



GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE